

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
MARK NUNEZ, et al., :  
:  
Plaintiffs, :  
:  
- against - :  
:  
CITY OF NEW YORK, et al., :  
:  
Defendants. :  
:  
----- 11 Civ. 5845 (LTS)(JCF)  
X  
:  
UNITED STATES OF AMERICA, :  
:  
Plaintiff-Intervenor, :  
:  
- against - :  
:  
CITY OF NEW YORK and NEW YORK CITY :  
DEPARTMENT OF CORRECTION, :  
:  
Defendants. :  
----- X

**STIPULATION AND ORDER TO**  
**TERMINATE ONE PROVISION OF THE CONSENT JUDGMENT AND**  
**TO ELIMINATE ONE PROVISION OF THE CONSENT JUDGMENT**

This Stipulation is entered by and among the Plaintiff Class, Plaintiff the United States of America (the “United States”), and Defendants the City of New York (the “City”) and the New York City Department of Correction (the “Department” or “DOC”) (the City and the Department are collectively referred to herein as the “Defendants”).

WHEREAS, pursuant to Section XX, ¶ 1 of the Consent Judgment, Steve J. Martin (the “Monitor”) was appointed as the Monitor and is responsible for providing the parties and Court with assessments of the Department’s compliance with the Consent Judgment, entered on October 21, 2015;

WHEREAS, the Monitor has issued reports finding Defendants to be in Substantial Compliance with Section X, ¶ 4 of the Consent Judgment during several consecutive Reporting Periods;

WHEREAS, Section VII, ¶ 14 of the Consent Judgment is no longer applicable as the DOC no longer engages in the day-to-day management of 16- and 17-year-old incarcerated youth (*see* dkt. entry 364) and all DOC investigations related to use of force with this age group have been completed;

WHEREAS, the Monitor recommends that entry of the Stipulation and Order will advance the reform efforts under the Consent Judgment; and

NOW, IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel, and this Court THEREFORE ORDERS, as follows:

1. **Terminated Provision.** The following provision of the Consent Judgment is terminated:
  - **§ X. (Risk Management):**
    - ¶ 4 (Consideration for investigation of allegations in lawsuits)
2. **Elimination.** The following provision of the Consent Judgment shall be eliminated:
  - **§ VII. (Use of Force Investigations):**
    - ¶ 14 (Litigation Tracking)

FOR THE UNITED STATES:

AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York

By: s/ Jeffrey K. Powell  
JEFFREY K. POWELL  
LARA K. ESHKENAZI  
Assistant United States Attorneys  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York, NY 10007  
Telephone: (212) 637-2706/2758  
Email: Jeffrey.Powell@usdoj.gov  
Lara.Eshkenazi@usdoj.gov

FOR PLAINTIFF CLASS:

THE LEGAL AID SOCIETY

By: s/ Mary Lynne Werlwash  
MARY LYNNE WERLWASH  
KAYLA SIMPSON  
DAVID BILLINGSLEY  
199 Water Street, 6<sup>th</sup> Floor  
New York, New York 10038  
Telephone: (212) 577-3530  
Email: mlwerlwas@legal-aid.org  
ksimpson@legal-aid.org  
dbillingsley@legal-aid.org

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

By: s/ Debbie Greenberger  
JONATHAN S. ABADY  
DEBBIE GREENBERGER  
600 Fifth Avenue, 10<sup>th</sup> Floor  
New York, NY 10020  
Telephone: (212) 763-5000  
Email: jabady@ecbawm.com  
dgreenberger@ecbawm.com

FOR DEFENDANTS CITY OF NEW YORK AND DEPARTMENT OF CORRECTION:

GEORGIA PESTANA  
Acting Corporation Counsel for the City of New York

By: s/ Kimberly Joyce  
KIMBERLY JOYCE  
100 Church Street  
New York, New York 10007  
Telephone: (212) 356-2300  
Email: kjoyce@law.nyc.gov

SO ORDERED this 14th day of June, 2021

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE